

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ELZBIETA P. POTRYKUS,

Plaintiff,

-v.-

00-CV-1687
(NPM/GJD)

UNITED FOOD AND COMMERCIAL
WORKERS DISTRICT UNION LOCAL
ONE,

Defendant.

APPEARANCES:

FOR THE PLAINTIFF:

Elzbieta P. Potrykus, *pro se*
3140 University Ave., Apt. 1
San Diego, CA 92104

FOR THE DEFENDANT:

Belson, Campbell & Szuflita
11 Park Place, 10th Floor
New York, NY 10007

Gene M.J. Szuflita

Neal P. McCurn, Senior District Judge

Summary Order

This action was filed by plaintiff Elzbieta P. Potrykus ("Plaintiff") on November 6, 2000 and a jury trial was held before this court in Syracuse, New

York from May 23 through 31, 2007. See Dkt. Nos. 75-80.

On May 31, 2007, the jury returned a verdict for the defendant. A judgment was entered for the defendant and against Plaintiff on May 31, 2007 in accordance with the jury verdict. See Dkt. No. 81.

Plaintiff appealed from the judgment to the Court of Appeals for the Second Circuit. See Dkt. No. 84. Magistrate Judge Gustave J. DiBianco thereafter granted Plaintiff's motion for leave to proceed *in forma pauperis*. See Dkt. Nos. 86, 87.

Presently before the court is Plaintiff's motion for free transcripts of the jury trial proceedings, see Dkt. No. 91, and Defendant's opposition thereto, see Dkt. No. 92. Pursuant to statute,

[f]ees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.

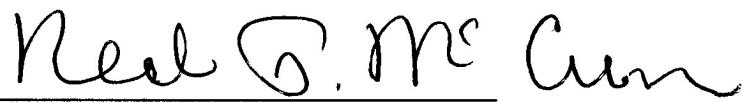
28 U.S.C. § 753(f) (1996).

The court finds that Plaintiff's grounds for appeal in this matter are, at least in part, not frivolous. Accordingly, Plaintiff is entitled to a copy of the trial transcripts without cost.

Therefore, it is hereby ORDERED that Plaintiff's motion for free transcripts of the jury trial proceedings, see Dkt. No. 91, is GRANTED; and it is further ORDERED that the Clerk of the Court shall serve a copy of this Summary Order on the Plaintiff by regular mail.

IT IS SO ORDERED.

DATED: August 29, 2008
Syracuse, New York


Neal P. McCurn
Neal P. McCurn
Senior U.S. District Judge